REMARKS

Claims 1-8 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moulsley et al. (U.S. Pat. Application Publication No. 2002/0159431) in view of Sonetaka (U.S. Pat. No. 6,591,107). This rejection is respectfully traversed.

Note that claims 1 and 5 are parent claims of the group of claims each on the wireless packet communication device method (2-4) and on the wireless packet communication apparatus (6-8).

However, the combination of Moulsley and Sonetaka will not make the present claims 1 and 5 obvious to persons skilled in the art, for the following reasons.

First, although Moulsley does disclose a method to transmit plural wireless packets simultaneously by using multiple wireless channels, the Examiner is correct in the assessment that Moulsley does not disclose the determination of an idle channel by carrier sense and setting a mandatory channel that is always used for transmission; and transmitting the wireless packets by using a wireless channel/wireless channels that include/includes the mandatory channel, only when the mandatory channel is idle. The Examiner cites Sonetaka to supply the teaching that is missing from Moulsley. However, as next explained, Sonetaka does not provide the missing teaching.

Sonetaka discloses a method to reserve a predetermined number of channels in advance for a traffic of a predetermined service, and to assign the channels reserved in advance to the traffic only when there is no channel to be assigned for the traffic having

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predetermined service rank (see the abstract and claims 1, 3 and 5-6 of Sonetaka). The Examiner calls this channel *reserved in advance* to be assigned for the traffic having the predetermined service rank "mandatory channel". However, this "reserved in advance" channel is *special* and is used only when there is "no channel to be assigned to the traffic having a predetermined service rank" [See Sonetaka Abstract].

The present invention in claims 1 and 5 differs in that it performs wireless packet transmission by using one or more wireless channel(s) that include(s) a mandatory channel (i.e., an indispensable channel) only when the mandatory channel set in advance is idle.

Thus, the "mandatory channel" in each the present invention and Sonetaka are essentially different from each other. The "mandatory channel" in Sonetaka is, in substance, a channel not normally used. This is because it is reserved for high priority traffic only, and is not assigned to low priority traffic. In contrast, the "mandatory channel" in the present invention is, in substance, channels regularly used for packet transmission, no matter the degree of priority of traffic. In other words, in the present invention, if the "mandatory channel" is idle, packet transmission is enabled, if not, packet transmission is prohibited.

It is respectfully submitted that the claims on file presently distinguish applicants' invention from the Moulsley-Sonetaka combination. Applicants' claims recite that the "mandatory channel" is used only when the mandatory channel is idle. This is different from Sonetaka, which uses its "mandatory channel" (in applicant's view—a different kind of channel) only when there is no channel to be assigned for the traffic having predetermined service rank. Clearly the respective uses of these different "mandatory channels" serve to define applicants' "mandatory channel" as being different from the reserved-in-advance channel employed by Sonetaka

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Therefore, as Sonetaka and the present invention are clearly and completely different, applying the art in Sonetaka to Moulsley will not make the configuration of claims 1 and 5 obvious to a person skilled in the art.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 3/1, 4/1, 7/5 and 8/5 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

However, as base claims 1 and 5 are urged to be non-obvious over the cited references, as explained above, it is respectfully submitted that claims 3/1, 4/1, 7/5 and 8/5 are allowable without having to rewrite them in independent form.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 6268-000010/US/NP from which the undersigned is authorized to draw.

Dated: May 11, 2007

Respectfully submitted,

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